

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MAURICE A. FIELDS,
Petitioner,

v.

Case No. 03-C-0999

MATTHEW J. FRANK,
Respondent.

ORDER

On May 2, 2005, I issued notice to petitioner that this case would be dismissed pursuant to Civil L.R. 41.3 (E.D. Wis. 2001) and Fed. R. Civ. P. 41(b) unless petitioner filed a brief in support of his habeas petition by May 23, 2005. Civil L.R. 41.3 states that “[w]hensoever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.” To date petitioner has not filed a brief in support of his habeas petition. Accordingly, I will dismiss this case with prejudice.

THEREFORE, IT IS ORDERED that pursuant to Civil L.R. 41.3 and Fed. R. Civ. P. 41(b) this case is **DISMISSED WITH PREJUDICE**.

Dated at Milwaukee, Wisconsin, this 28 day of August, 2005.

/s _____
LYNN ADELMAN
District Judge